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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Taizo AKIMOTO

Appln. No.: 09/749,752

Group Art Unit: 2878

Confirmation No.: 4934

Examiner: NOT YET ASSIGNED

Filed: December 28, 2000

For: TEST PIECE, ANALYSIS METHOD USING THE TEST PIECE, AND ANALYSIS SYSTEM USED FOR THE METHOD

**SUBMISSION OF DECLARATION UNDER 37 C.F.R. § 1.68  
AND ASSIGNEE'S POWER OF ATTORNEY**

ATTN: LICENSING AND REVIEW  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the Request for Declaration under Rule 68 dated May 30, 2000, submitted herewith is a complying statement signed by a colleague of the inventor, Taizo Akimoto. The inventor is now deceased.

Also submitted herewith is a copy of an Assignee's Power of Attorney. By the attached document, the attorneys of the firm identified below retain authority to prosecute this application.

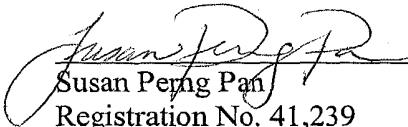
TECHNOLOGY CENTER 2800  
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SUBMISSION  
Appln. No. 09/749,752.

Should any additional information be necessary to satisfy requirements for the Request for Declaration or the Power of Attorney, any such inquiries should be directed to the undersigned.

Respectfully submitted,



Susan Peng Pan

Registration No. 41,239

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Date: July 13, 2001

ATTORNEY DOCKET NO. Q61244  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Taizo AKIMOTO (Deceased Inventor)

Appln. No.: 09/749,752

Group Art Unit: 2878

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## DECLARATION UNDER 37 C.F.R. § 1.68

Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Nobuhiko Ogura, am a professional colleague of the Deceased Inventor Taizo AKIMOTO. I am citizen of Japan, with a mailing address c/o Fuji Photo Film Co., Ltd. 798 Miyanodai, Kaisei-machi, Ashigarakami-gun, Kanagawa-ken, Japan, the assignee of the above-captioned application. I hereby declare:

That I joined Fuji Photo Film, Co., Ltd. at the Miyanodai Research and Development Center (Kanagawa-ken, Japan) in 1984. Since 1984, I have worked in technical areas related to X-ray imaging apparatus, optical reflection measurements for clinical blood analyzing equipment, and laser scanning techniques in connection with image detection apparatus of transmission electron microscopes for Fuji Photo Film.

That from 1995-1997, I was involved in the development of bio-analysis aiding apparatus under the supervision of the Deceased Inventor, Mr. Taizo Akimoto.

That since 1997, I had worked with Mr. Taizo Akimoto on bio-analysis research and development, including supervision of Mr. Akimoto's work in connection with bio-analysis research.

That Exhibit A attached to this Declaration is a true and correct copy of the Resident's Card from the City Office of Minami Ashigara, Kanagawa, where Mr. Akimoto resided prior to his death.

That I understand both the English and Japanese language and that the English notations on the Resident's Card accurately indicate the translation from Japanese.

DECLARATION UNDER 37 C.F.R. § 1.68  
U.S. Appln. No. 09/749,752

That the Resident's Card is customarily used in Japan to indicate the date of death of an individual.

That Mr. Taizo Akimoto died on March 27, 2001, as indicated in the "Note" section of the attached Resident's Card (Exhibit A).

That Deceased Inventor Taizo AKIMOTO made and conceived the invention described and claimed in patent application No. 09/749,752, filed in the United States of America on December 28, 2000, titled TEST PIECE, ANALYSIS METHOD USING THE TEST PIECE, AND ANALYSIS SYSTEM USED FOR THE METHOD.

That Deceased Inventor Taizo AKIMOTO made and conceived this invention while employed by Fuji Photo Film Co., Ltd.

That this invention is assigned to Fuji Photo Film Co., Ltd., as indicated in the Notice of Recordation-of Assignment recorded in the U.S. Patent Office at Reel 11413, Frame 0704 on December 28, 2000.

That the invention is related to the work I am employed to perform and was made within the scope of my employment duties, and also is related to the work that the Deceased Inventor was employed to perform and within the employment duties of the Deceased Inventor. That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Fuji Photo Film Co., Ltd.

That to the best of my knowledge and belief:

The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

AND/OR

The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

DECLARATION UNDER 37 C.F.R. § 1.68  
U.S. Appln. No. 09/749,752

I, Nobuhiko Ogura, a professional colleague of Deceased Inventor Taizo AKIMOTO declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Declarant Signature:

Nobuhiko Ogura

Professional Colleague of  
Taizo AKIMOTO

Mailing Address:

c/o Fuji Photo Film Co., Ltd. 798 Miyanodai, Kaisei-machi, Ashigarakami-gun, Kanagawa-ken, Japan

Date July 9, 2001

*Exhibit A*

Resident's Card

神奈川県南足柄市

住

民

票

平成13年 3月17日 除票

Name

秋本 泰造  
Tojiro Akiyoshi

性別  
Male

「省略」

住民登録番号  
昭和42年 8月18日

現住所  
南足柄市関本638番地4

「省略」

異動日  
昭和45年 1月11日 転居

届出日  
昭和45年 1月13日 届出

→ Present Address

→ Date of Moving In

通知日  
平成13年 3月 7日

「省略」

→ Former Address

→ Date of Notification

本籍地  
足柄上郡南足柄町狩野1166番地

筆頭者  
「省略」

転出先

備考

平成13年 3月17日 死亡 → Death  
→ Note → March 17, 2001

この写しは、住民票の原本と相違ない。→ It is certified that this copy  
is identical to the original  
of the resident's card.

→ June 28, 2001  
平成13年6月28日

2845

神奈川県南足柄市長 稲木 佑



Tasuku  
Suguki

The Mayor of Minami Ashigara, Kanagawa